

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ELLIOTT D. GOODIN,

Plaintiff,

v.

PIERCE COUNTY SHERIFF'S DEPT, T
DICKERSON, BUCHANNON,
BELMUDES, EATON,

Defendants.

CASE NO. C15-5064 RBL-JRC

REPORT AND
RECOMMENDATION

NOTED FOR:
APRIL 10, 2015

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

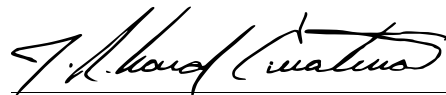
Currently before the Court is plaintiff's application to proceed in forma pauperis (Dkt. 1). The clerk's office sent plaintiff a letter outlining defects in his filing (Dkt. 2). The letter gave plaintiff until March 4, 2015, to cure the defects in his filings (Dkt. 2). As of March 12, 2015, plaintiff has not taken any action.

1 The Court recommends dismissal of this action for failure to prosecute. An inmate
2 seeking to proceed in forma pauperis must submit a certified copy of his prison trust account.
3 *See*, 28 U.S.C. 1915(a)(2). Petitioner's failure to comply with the Clerk's Office request for a
4 copy of his trust account prevents the Court from granting him in forma pauperis status.
5 Petitioner's inaction prevents the action from moving forward.

6 Fed. R. Civ. P. 41(b) provides for involuntary dismissal for failure to prosecute an
7 action. A dismissal under Fed. R. Civ. P. 41(b) operates as adjudication on the merits. The
8 Court recommends dismissal of this action for plaintiff's failure to respond to the Clerk's Office
9 defect letter and for failure to prosecute his action.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
11 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
12 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
13 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
14 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on April
15 10, 2015, as noted in the caption.

16 Dated this 13th day of March, 2015.

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18 J. Richard Creatura
19 United States Magistrate Judge
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